

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to certain City-owned property located at 1620 12th Avenue East, commonly known as the East Precinct Parking Facility; authorizing the Director of Finance and Administrative Services to execute and record certain documents, including a Condominium Declaration, Survey Map and Plans, a Purchase and Sale Agreement, a Quit Claim Deed, a Ground Lease, a Sublease, and other agreements and documents in consideration of the development by Capitol Hill Housing Improvement Program of a six-story mixed-use facility with underground parking for the Seattle Police Department, commercial, retail and arts space, as well as affordable housing; and increasing appropriations in the 2012 Adopted Budget for certain activities of the Finance and Administrative Services Budget; all by a three-fourths vote of the City Council.

WHEREAS, in 1985 and 1988 the City acquired the real property commonly known as the “East Precinct Parking Facility” located at 1620 12th Avenue East (Property); and

WHEREAS, the Property, as it exists currently, provides 77 parking stalls and other ancillary uses to the Seattle Police Department’s East Precinct; and

WHEREAS, in 2011 Capitol Hill Housing Improvement Program (“CHHIP”) proposed that it construct a project on the Property that would provide an approximately 111-stall underground police parking facility for the City, together with two levels of retail/commercial/office space, and four levels of housing containing 88 units of affordable apartments; and

WHEREAS, after completing a feasibility analysis and other due diligence, CHHIP has decided to proceed with the project, and the City is willing to create a condominium on the Property and to lease and convey the units to CHHIP in consideration of CHHIP’s agreement to construct the project as described in the transaction documents hereby authorized; and

WHEREAS, during the design process it became clear that the City’s requirements for security, additional parking, and data infrastructure exceeded that which was stated in the original Letter of Intent, thereby increasing the project’s scope and requiring additional appropriation authority; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Director of Finance and Administrative Services or his or her Designee (“Director”) is authorized to execute and record a “Condominium Declaration” and “Survey Map and Plans” substantially in the form of Attachments 1 and 2, respectively, and to execute, deliver, administer, perform, enforce, record and file, as appropriate, all agreements and documents necessary for creation of a mixed-used condominium for the property legally described as follows (the “Property”):

LOTS 2, 3, 4 AND 5, BLOCK 22, ADDITION TO THE CITY OF SEATTLE,
AS LAID OFF BY D. T. DENNY, GUARDIAN OF THE ESTATE OF J. H. NAGLE
(COMMONLY KNOWN AS NAGLE'S ADDITION TO THE CITY OF SEATTLE),
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS,
PAGE(S) 153, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 7 FEET THEREOF, CONDEMNED IN KING COUNTY
SUPERIOR COURT CAUSE NUMBER 61476 FOR THE WIDENING OF 12TH
AVENUE, AS PROVIDED BY ORDINANCE NUMBER 17972 OF THE CITY OF
SEATTLE.

Section 2. The Director is further authorized to execute a “Purchase and Sale Agreement” and “Quit Claim Deed” substantially in the form of Attachments 3 and 4, respectively, and to execute any and all agreements and documents necessary for conveyance of the Property pursuant to the Purchase and Sale Agreement. In addition, the Director is authorized to execute a “Ground Lease” substantially in the form of Attachment 5 and a “Sublease” substantially in the form of Attachment 6.

Section 3. The Director’s authority to deliver and record all documents authorized herein is conditioned on execution and delivery by CHHIP of the “Completion Guaranty” substantially

in the form of Attachment 7 and the Director's satisfaction with the form and content of all documents pertaining to the financing and construction of the project.

Section 4. The Director is further authorized to make technical, conforming or otherwise nonmaterial changes and to negotiate material improvements benefitting the City to any of the documents authorized to be executed herein; and to execute, record, deliver, administer, perform and enforce such amendments and ancillary agreements or documents, and take such other actions as the Director deems appropriate or necessary to carry out the terms and provisions of, and complete the transactions contemplated by, this ordinance; with the form of such documents and agreements requiring the approval of the City Attorney's Office.

Section 5. In order to pay for necessary costs and expenses incurred or to be incurred in 2012, but for which insufficient appropriations were made due to causes that could not reasonably foreseen at the time of the making of the 2012 Budget, appropriations for the following items in the 2012 Budget are increased from the funds show, as follows:

Item	Fund	Department	Budget Control Level	Amount
5.1	General Subfund (00100)	Finance General	Appropriation to General Subfunds and Special Funds Budget Control Level	\$393,750
5.2	Finance and Administrative Services Fund (50300)	Department of Finance & Administrative Services (FAS)	Facilities Services Budget Control Level	\$393,750
Total				\$787,500

Section 6. The foregoing appropriation is made to meet the actual and necessary expenditures of the City for which insufficient appropriations has been made due to causes that could not reasonably have been foreseen at the time of making the 2012 budget.

Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by 3/4 vote of the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this ____ day of _____, 2012.

President _____ of the City Council

Approved by me this ____ day of _____, 2012.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Form of Condominium Declaration

Attachment 2: Form of Survey Map and Plans

Attachment 3: Form of Purchase and Sale Agreement

Attachment 4: Form of Quit Claim Deed

William Craven
FAS East Precinct Parking 12th Ave Arts ORD
August 16, 2012
Version #5

Attachment 5: Form of Ground Lease

Attachment 6: Form of Sublease

Attachment 7: Form of Completion Guaranty

Attachment 8: Form of Pledge of Garage Lease Revenues